



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,713	08/20/2003	Michael D. Ellis	81788-4100	8451
28765	7590	06/29/2006	EXAMINER	
WINSTON & STRAWN LLP			RICHMAN, GLENN E	
1700 K STREET, N.W.			ART UNIT	
WASHINGTON, DC 20006			PAPER NUMBER	

3764

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

3764

Part of Paper No./Mail Date 20060623

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 36-62, and 65-67 in the reply filed on 3/24/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-62, 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root et al.

Root discloses a heart rate data sensor device that is adapted for mobile athletic activity and is configured to wirelessly transmit a heart rate output that is representative of a current heart rate of the athlete (611).

Root does not specifically detail the heart rate sensor is to be worn around the athlete's chest, however as Root's is worn on the hip or shoulder (fig 2 and 3), it is obvious to adapt it to be worn on the chest.

Root further discloses a speed data sensor device that is adapted to be in a physical relationship with the athlete in which the speed data sensor device moves with the athlete's mobile athletic activity and is configured to receive Global Positioning System (GPS) information (abstract), and to wirelessly transmit a speed of movement output that is representative of the current speed of movement of the athlete (abstract), a display device that is adapted to be worn on the wrist of the athlete and is configured to receive the heart rate output and the speed of movement output and to display the current heart rate identified by the heart rate data sensor device and the current speed of movement identified by the speed data sensor (fig. 3. obvious to move to wrist, 112); and a storage device that is adapted to be in a physical relationship with the athlete in which the storage device moves with the athlete's mobile athletic activity and is configured to receive the current heart rate output from the heart rate data sensor device and the current speed of movement output from the speed data sensor device and to store a log of data representative of the current heart rate and the current speed of movement for tracking the mobile athletic activity for different sets (608).

As for claims 37- Root discloses the storage device is adapted to be clipped to the athlete's clothing (fig. 2), the storage device is adapted to be carried in a pocket of an article of clothing worn by the athlete (obvious the device could be carried in a pocket), the storage device is further configured to operatively communicate with a personal computer of the athlete to download logged data (abstract), the display device is configured to display the current time and date (col. 7, lines 40-50), the speed data sensor is configured to wirelessly transmit geographic location information based on the

GPS information (col. 7, lines 40-50), the storage device is configured to log geographic location information of the athlete when the geographic location information is received from the speed data sensor (col. 7, lines 40 – et seq.), the display device is programmable to switch the display device to receive the current heart rate output from another heart rate data sensor device and to switch the storage device to receive the current speed of movement output from another speed data sensor device (col. 4, lines 28 – et seq.). the storage device comprises random access memory for storing the logged information (col. 7, lines 40 – et seq.), the storage device is programmable to be switched to receive the current heart rate output from another heart rate data sensor device and programmable to be switched to receive the current speed of movement output from another speed data sensor device (abstract), the storage device is user-programmable to receive the current heart rate output from a different heart rate data sensor (abstract), the storage device is user-programmable to receive the speed of movement output from a different speed data sensor (abstract), additional data sensor devices that are each adapted to be in a physical relationship with the athlete in which the additional data sensor devices move with the athlete's mobile athletic activity, and wherein the storage device and the display device are programmable to receive outputs from the additional sensor devices and to respectively display and store information representative of the additional outputs (abstract), the speed data sensor device is further configured to transmit a distance output that is representative of a distance traveled by the athlete (abstract).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagatsuma et al disclose a portable GPS distance speed meter.

Ashby et al disclose a system and method for selective exercise adjustment.

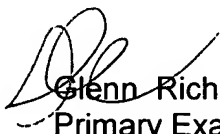
Henderson et al disclose an electronic exercise system.

Stubbs et al disclose an electronic monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Glenn Richman
Primary Examiner
Art Unit 3764